

REMARKS

Claim 13 is directed to an *E.coli* host cell expressing a recombinant antibody in which the isoelectric point of the Phosphate binding protein (PhoS) of the host cell has been altered by the addition of an amino acid tag to the C-terminus and/or by changing one or more of the residues located on the surface of the *E.coli* PhoS protein. Claim 13 is amended herein to incorporate the limitations of claims 14 and 15, which are accordingly cancelled. Claim 16, which had depended from claim 15, is amended to depend from claim 13.

35 U.S.C. § 102

The rejection of claims 13, 20, and 21 as anticipated by Bass et al. is respectfully traversed. Without acquiescing in the grounds of rejection, but solely to further the prosecution of the present application, the limitations of claims 14 and 15 have been incorporated into claim 13. Neither of these claims was subject to rejection under 35 U.S.C. § 102, therefore amended claim 13 is no longer anticipated. Claims 20 and 21, which depend directly from claim 13, also are not anticipated by the reference. It is respectfully requested that the ground of rejection be withdrawn.

35 U.S.C. § 112, first paragraph

The rejection of claims 13-21 under 35 U.S.C. § 112, first paragraph, for lack of written description is respectfully traversed. On page 5, the Office Action states, “it is not disclosed which residues are actually on the surface of the protein.” But the specification at page 5 describes the specific residues that can be placed on the surface of the protein; these are also set forth at Table 2 at pages 26-28 of the specification. Claim 1 has been amended to recite the specific residues. It is respectfully submitted that it is not necessary under the written description requirement to be able to “envision every amino acid present on the protein surface” (Office Action, page 5, last sentence). It is only necessary to envision those residues that are changed in accordance with the present invention. These are clearly set forth in the specification.

Further, Table 2 clearly sets forth the correlation between the function and the structure of the presently claimed *E.coli* host cells. It is respectfully submitted that the amended claims

meet the written description requirement of 35 U.S.C. § 112, first paragraph, and it is requested that this ground of rejection be withdrawn.

35 U.S.C. § 112, second paragraph

The rejection of the claims under 35 U.S.C. § 112, second paragraph, for indefiniteness is respectfully traversed. In the Office action, the Examiner suggested that this rejection could be over come by deleting the word “and” in the phrase “and wherein” in claim 13. This amendment is made herein; no change in the scope of the claim is intended by this amendment. It is respectfully requested that this ground of rejection be withdrawn.

Applicants submit that the amended claims are in condition for allowance. Should the Examiner feel that further dialog would advance the subject application to issuance, the Examiner is invited to telephone the undersigned at (312) 913-0001.

Respectfully submitted,

Date: July 20, 2009

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